

REMARKS/ARGUMENTS

Claims 36, 39-57, 59-68 and 70-72 are pending. By this Amendment, claims 36, 39-41, 46, 47, 49-54, 59-63, 67 and 68 are amended, claims 37, 38, 58 and 69 are canceled and claims 71-72 are added. Reconsideration in view of the above amendments and the following remarks are respectfully requested.

On page 2 of the Office Action, the Examiner suggested an arrangement of the specification as preferred per 37 CFR 1.77(b). Applicants respectfully decline to include such subheadings in the specification at this time, especially since the application is the U.S. National Phase of PCT/EP04/08331 filed July 26, 2004. As such, the U.S. Patent Office is obligated to accept the specification in the format in which it was deemed to be acceptable by the International Authority.

Claim 61 was objected to based on minor informalities. By this Amendment, the subject phrase has been deleted from amended claim 61.

Reconsideration and withdrawal of the objection are respectfully requested.

Claims 67-69 were rejected under 35 U.S.C. §112, first and second paragraphs. By this Amendment, claim 69 has been canceled and its subject matter incorporated into claim 54 in a manner which is believed to address the Examiner's concerns. In addition, claims 67 and 68 are amended to avoid the original language in favor of amended language which clearly satisfies the requirements of 35 U.S.C. §112, first and second paragraphs. Specifically, claims 54, 67 and 68 do not include objected to language regarding first and second creases, first and second peripheral regions or a middle region (claim 67). In addition, claim 68 no longer recites first and second strips, but rather specifies that the first zone is provided with an intermediate longitudinal crease equidistant from the longitudinal borders of the first zone. Furthermore, claim 54

specifies a longitudinal panel and a further longitudinal panel respectively arranged on opposite sides of said first greater panel parallel to the first greater panel, a pair of longitudinal strips each having a longitudinal side in common respectively with said longitudinal panel or with said further longitudinal panel, ...a first longitudinal crease separating said first zone from said second zone, and a second longitudinal crease separating said longitudinal strip from said second zone. Thus, claim 54 avoids the language objected to in canceled claim 69.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 36-45, 52 and 53 were rejected under 35 U.S.C. §102(b) over Rosenberg (U.S. Patent No. 3,708,108). This rejection is respectfully traversed.

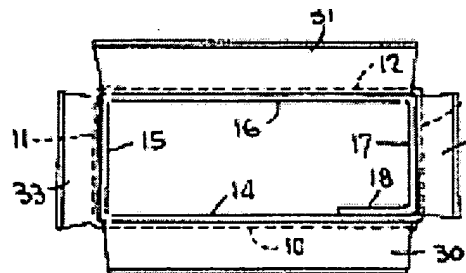
Claim 36 is directed to a container delimited by a wall arrangement comprising a front wall, a rear wall and a pair of shaped side walls that protrudes towards the exterior of said container, each shaped side wall being connected to said front wall along a first edge, and to said rear wall along a second edge, each shaped side wall comprising an outer shaped panel attached to an inner shaped panel, said container comprising a stiffening element arranged to stiffen said shaped side walls, wherein said stiffening element comprises a substantially flat stiffening wall extending between said first edge and said second edge and spaced from the corresponding shaped side wall.

As such, claim 36 is a combination of claims 36, 37 and 38 and additional features taken from the description and drawings, e.g., Figures 3-7 and the corresponding description thereof.

Rosenberg does not teach or disclose at least the following features from independent claim 36:

- a pair of shaped side walls that protrude towards the exterior surface of the container, each shaped side wall comprising an outer shaped panel attached to an inner shaped panel; or
- said panel comprising a stiffening element arranged to stiffen said shaped walls, said stiffening element being spaced from the corresponding shaped side wall.

Rosenburg discloses a container which is double-walled throughout its four sides and made from one-piece of blank having eight sides, the first four walls forming an inner box structure, the other four panels providing a wrap-around outer box structure (see abstract). The outer box structure overlaps the inner box structure and the outer back panel has its inner surface glued to the outer surface of the inner back panel. Fig. 3 shows a bottom view of the erected container, the bottom flaps being opened.



Taking the wording of claim 36 into consideration, Rosenberg does not provide shaped side walls — e.g., see the side walls in Figs. 3-7, each having a shape different from flat. Each shaped wall has at least a portion that is spaced or distanced from a stiffening flat side wall.

Even if the flat side wall of Rosenberg can be considered to be "shaped", which is not admitted, claim 36 provides a stiffening wall, which is flat, and shaped side walls that are spaced or distanced from said stiffening wall toward the exterior of the container.

Moreover, Rosenberg does not provide a shaped side wall comprising an outer shaped panel attached to an inner shaped panel, spaced or distanced from the stiffening wall. According to Rosenberg, (see Figures 2 and 3 and column 2 lines 32-35), the container comprises an outer side panel (13) overlying an inner side panel (17). In case the inner side panel of Rosenberg is considered to be the stiffening element, Rosenberg does not provide having an outer shaped panel attached to an inner shaped panel. In case the inner side panel of Rosenberg is considered to be the inner shaped panel overlapping the outer shaped panel, Rosenberg does not provide having a stiffening element.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 46-49 were rejected under 35 U.S.C. §103(a) over Rosenberg in view of Campbell (U.S. Patent No. 5,097,948). This rejection is respectfully traversed at least because claims 46-49 depend from claim 36, either directly or indirectly and are patentable by virtue of that dependency. In addition, Campbell does not teach the features missing from Rosenberg as described above, and nor was it relied upon for such.

Similar remarks apply to the rejection of claims 50 and 51 under 35 U.S.C. §103(a) over Rosenberg in view of Draghetti (U.S. Patent No. 6,484,930). Draghetti does not teach or suggest the features missing from Rosenberg as described above, and nor was it relied upon for such.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 54-70 were rejected under 35 U.S.C. §103 over Draghetti in view of Schoch et al. (U.S. Patent No. 6,370,846). This rejection is respectfully traversed.

Claim 54 is directed to a foldable blank for forming a container, comprising a first greater panel, a second greater panel, external panels provided at opposite sides of said second greater panel, a longitudinal panel and a further longitudinal panel respectively arranged on opposite

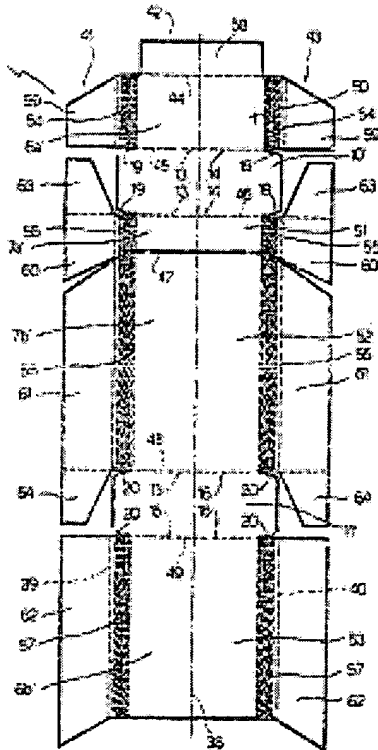
sides of said first greater panel parallel to said first greater panel, a pair of longitudinal strips each having a longitudinal side in common respectively with said longitudinal panel or with said further longitudinal panel, wherein said longitudinal panel and said further longitudinal panel are each subdivided into a first zone having a side in common with said first greater panel and a second zone having a side in common with the corresponding longitudinal strip, a first longitudinal crease separating said first zone from said second zone, a second longitudinal crease separating said longitudinal strip from said second zone.

Draghetti (US6484930) does not teach or disclose at least the following features of claim 54:

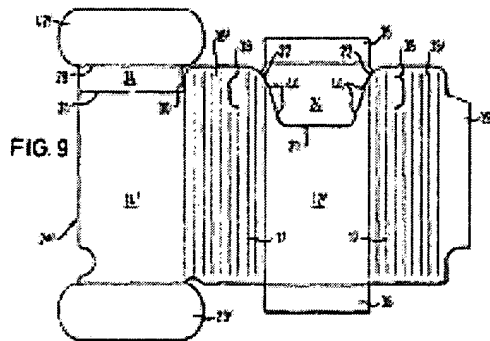
- a pair of longitudinal strips each having a longitudinal side in common respectively with said longitudinal panel or with said further longitudinal panel,
- wherein said longitudinal panel and said further longitudinal panel are each subdivided into:
 - a first zone having a side in common with said first greater panel
 - a second zone having a side in common with the corresponding longitudinal strip,
 - a first longitudinal crease separating said first zone from said second zone, and
 - a second longitudinal crease separating said longitudinal strip from said second zone.

In other words, the foldable blank of claim 54 adds longitudinal strips to both external sides of the longitudinal panels arranged at opposite sides of the first greater panel.

The foldable blank of Draghetti has longitudinal panels arranged at opposite sides of the first greater panel. However, Draghetti does not disclose the external longitudinal strip of claim 54.



The foldable blank of Schoch runs horizontally, the first longitudinal panel being interposed between the first greater panel and the second greater panel. The longitudinal strip 19 of Schoch has a side in common with the longitudinal panel 16'. However, the longitudinal panel of Schoch does not have a first zone and a second zone separated by a longitudinal crease.



Neither Draghetti nor Schoch discloses longitudinal strips on opposite sides of each longitudinal panel, each longitudinal panel having a first zone and a second zone. Moreover the foldable blank of Draghetti runs vertically and thus it is impossible to modify it in view of a completely different foldable blank.

Therefore, there is no motivation to modify Draghetti in view of Schoch to arrive to the claimed subject matter.

Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that all the claims are patentable and that the entire application is in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140 under Order No. PTB-4462-23.

GHINI ET AL.
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Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, she is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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